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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-719**

12 **KELLI ARIEL KAUFFROATH**
13 2445 El Lujo Way
14 Rancho Cordova, California 95670

ACCUSATION

15 **Registered Nurse License No. 554490**
16 **Public Health Nurse License No. 60641**

Respondent.

17
18 Louise R. Bailey, M.Ed., RN (Complainant) alleges:

19 **PARTIES**

20 1. Complaint brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about April 26, 1999, the Board issued Registered Nurse License Number
24 554490 to Kelli Ariel Kauffroath ("Respondent"). The license was in full force and effect at all
25 times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

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1 **Public Health Nurse License**

2 3. On or about June 3, 1999, the Board issued Public Health Nurse License Number
3 60641 to Respondent. ~~The license was in full force and effect at all times relevant to the charges~~
4 brought herein and will expire on June 30, 2012, unless renewed.

5 **JURISDICTION**

6 4. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
7 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
8 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
9 Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
13 may renew an expired license at any time within eight years after the expiration.

14 **STATUTORY AND REGULATORY PROVISIONS**

15 6. Code section 2761 states:

16 "The board may take disciplinary action against a certified or licensed nurse or deny an
17 application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

19 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
20 functions."

21 7. California Code of Regulations, title 16, section 1442, states:

22 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
23 the standard of care which, under similar circumstances, would have ordinarily been exercised by
24 a competent registered nurse. Such an extreme departure means the repeated failure to provide
25 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
26 situation which the nurse knew, or should have known, could have jeopardized the client's health
27 or life."

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COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BACKGROUND INFORMATION

9. In and between 2005 and 2007, Respondent was employed as a Public Health Nurse II at the Department of Health and Human Services, Division of Public Health, in the County of Sacramento, located in Sacramento, California. Respondent was assigned to work with the Nurse Family Partnership program (a federally funded National Program). Respondent's duties included the monitoring of low income pregnant mothers from the beginning of their pregnancy through post partum, and up to two years of the child's age. The monitoring of the pregnant mothers and children included obtaining blood pressure assessments during pregnancy, tracking trends in prenatal weight gain, assessing the infant/child's growth, and assessing the infant/child's development.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

10. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of unprofessional conduct, in that in and between 2005 and 2007, while employed as a Public Health Nurse II at the Department of Health and Human Services, Division of Public Health, located in Sacramento, California, and on assignment to work with the Nurse Family Partnership program, Respondent was grossly negligent, in the following respects:

- a. Respondent failed to complete client charts in a timely manner.
- b. Respondent failed to document client visits.
- c. Respondent failed to document vital client information, such as subjective and objective findings, assessments, and interventions.
- d. Respondent failed to adhere to the policies and procedures of the Sacramento County Public Health Nursing, the California Nurse Practice Act, and the American Nurses Association

Standards of Professional Performance, in that she failed to record regular blood pressure assessments during pregnancy, failed to track trends in prenatal weight gain, failed to assess the infant/child's growth, and failed to assess the infant/child's development.

e. In or about 2007, Respondent falsified a client's chart (client number 26773/28862), by adding information to the client's chart for a visit that had occurred in 2005.

f. Respondent failed to properly document client visits, in that there were discrepancies found between the dates Respondent recorded client visits on the Time Study Activity Worksheet ("Dailies"), the Nursing Family Partnership Chart Checklist, and the Client Information System.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct, in that in and between 2005 and 2007, while employed as a Public Health Nurse II at the Department of Health and Human Services, Division of Public Health, located in Sacramento, California, and on assignment to work with the Nurse Family Partnership program, Respondent demonstrated unprofessional conduct, as more particularly set forth above in paragraph 10.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 554490, issued to Kelli Ariel Kauffroath;

2. Revoking or suspending Public Health Nurse License Number 60641, issued to Kelli Ariel Kauffroath;

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1 3. Ordering Kelli Ariel Kauffroath to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
3 125.3; and,

4 4. Taking such other and further action as deemed necessary and proper.

5 DATED: 2/23/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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